

NEWSLINE RADIO - CBBS EDITION #120 - POSTED 04/16/94

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The following is late news about Amateur Radio for Radio Amateurs as prepared from NEWSLINE RADIO scripts by the staff of the AMATEUR RADIO NEWSLINE, INC. -- formerly the WESTLINK RADIO NETWORK. For current information updates, please call

Audio Version of Newsline

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Los Angeles.....	(213) 462-0008
Los Angeles (Instant Update Line).....	(805) 296-2407
Seattle.....	(206) 368-3969
Seattle.....	(206) 281-8455
Tacoma.....	(206) 927-7373
Louisville.....	(502) 894-8559
Dayton.....	(513) 275-9991
Chicago.....	(708) 289-0423
New York City.....	(718) 353-2801
Melbourne, FL.....	(407) 259-4479

Electronic Hardcopy Version of Newsline

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GEnie (RTC Bulletin Board).....	m345;1
GEnie (File Library).....	m345;3
Dallas Remote Imaging BBS (DRIG).....	(214) 492-7573
In bulletin number 36	
The Midwest Connection BBS.....	(701) 239-2440
In bulletin number 6 of the ham radio conference	
Delphi.....	
In the ham radio conference	
Internet.....	
In the rec.radio.info newsgroup	

FTP: oak.oakland.edu, file: pub/hamradio/docs/newsline
Fidonet, RIME, Intellec, I-Link.....

In the Ham Radio conference of those networks

For the latest breaking info call the Instant Update Line listed above. To provide information please call (805) 296-7180. This line answers automatically and will accept up to 30 minutes of material.

Check with your local amateur radio club to see if NEWSLINE can be heard weekly on the air in your area.

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For further information about the AMATEUR RADIO NEWSLINE, please write to us with an SASE at P.O. Box 463, Pasadena, CA 91102.

Thank You
NEWSLINE

Some of the hams of NEWSLINE RADIO...

WA6ITF WB6MQV WB6FDF K6DUE W6RCL N6AHU N6AWE N6TCQ K6PGX N6PNY
KU8R N8DTN W9JUV KC9RP K9XI KB5KCH KC5UD KC0HF G8AUU WD0AKO DJ0QN
and many others in the United States and around the globe!!!

[870]

(* * * C L O S E D C I R C U I T A D V I S O R Y * * *)
(* * *
(* According to Newsline Support Fund administrator Norm *
(* Chalfin, K6PGX, the funds needed to keep Newsline in *
(* operation are once again low. According to Norm, it now *
(* costs a bit over \$850 a month to pay the telecommunications *
(* and equipment supply bills. That's up over \$150 from the *
(* same time last year. *
(* For those of you unaware, Newsline pays the cost of *
(* three telephones including the one used for news gathering. *
(* We also pay for several electronic news and information *
(* services, we pay for electronic mail, for raw tape stock *
(* and the cost of repairing and updating our production *
(* facilities. *)

(* Right now, Newsline has enough funds to carry it through *)
(* to the end of April, but that's it. Therefore we are once *)
(* again appealing to all of our listeners to assist in any *)
(* way that you can so that Newsline can continue to being *)
(* you these weekly ham radio news bulletins. Our address is *)
(* the Newsline Support Fund, Post Office Box 463, Pasadena, *)
(* CA 91102. *)
(* Again, and as always, we thank you for your ongoing *)
(* interest and support. That ends the closed circuit *)
(* advisory with Newsline report number 868 for release on *)
(* Friday, April 15, 1994. *)
(* *)
(* * * * * *)

The Following is a QST

The ARRL loses the first round in its advertising feud with the Lambda Amateur Radio Club, the FCC eases the rules on automatic digital communications and more license downgrades may be on their way in California. These stories and more on Newsline report number 870 coming your way right now!

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LAMBDA vs. ARRL

The Connecticut Commission on Human Rights and Opportunities has announced that it has reasonable cause to believe that the American Radio Relay League has discriminated against a gay ham radio club. This, when the League refused to publish the gay club's notices in the classified advertising section of its QST Magazine.

In a March 18th initial decision on litigation brought by the LAMBDA Legal Defense and Education Fund, the Commission affirmed the case investigator's finding that ARRL's refusal to publish the LAMBDA Amateur Radio Club ad was motivated by the club member's sexual orientation. The hearing board refused to accept the League's defense that it excluded the ad because the group is issue oriented. It was noted that while the ARRL has refused to publish LARC's ad for nearly ten years, it has continued to publish classified advertisements for other ham radio clubs including Jehovah's Witnesses, missionaries and animal rights groups. The Commission held that the issue in this instance is clearly the fact that LARC's members identify themselves as being Gay.

LAMBDA President Jim Kelly, KK3K has issued a statement saying that in his view the time has come for responsible individuals at the ARRL to publicly acknowledge the unfairness of their past practices, adopt and publish a non-discrimination policy which

includes sexual orientation, and to work with LARC in the spirit of cooperation and good will which has always characterized the amateur radio service.

There has been no comment on the Commission finding nor any response to Kelly from the ARRL or its legal staff. None is expected until after a full hearing on the case that is now scheduled for sometime in June and any appeals that will most certainly follow, no matter which side is victorious in the hearing room.

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COMMISSION AMENDS RULES CONCERNING MESSAGE FORWARDING

The FCC has relaxed the amateur service rules to enable modern message forwarding systems to operate at hundreds of characters per second while retaining safeguards to prevent misuse.

To the FCC, a message forwarding system is a group of amateur stations participating in a voluntary, cooperative, interactive arrangement. Under such a plan the communications from the control operator of an originating station are transmitted to one or more destination stations via forwarding stations, which may or may not be automatically controlled.

Currently, the control operator of each station is held individually accountable for each message retransmitted, resulting in unnecessary content review and delays. In a filing on the matter, the American Relay League stated that the obligation of the control operator of the first forwarding station should be the establishment of the identity of the station originating the message. Only when this is not done should these control operators be held accountable for improper message content.

Also, there is currently no central supervisory authority in an ad hoc amateur service digital network, making these unsupervised systems easy targets for misuse by uncooperative operators and non-licensees. The Commission says that it could be difficult to establish after the fact that a particular VHF station originated a fleeting high speed digital transmission. For these reasons, the Commission said there must be on-going oversight of the system and the control operators of the first forwarding stations are in the best position to exercise such control.

The Commission also clarified that the station that receives a communication directly from the originating station and introduces it into the message forwarding system is the first forwarding station.

Additionally, the ARRL and the Colorado Council of Amateur Radio Clubs suggested that the Commission substitute the word

"simultaneously" for "instantaneously" in the redefinition of a repeater. The Commission concurred and adopted this modification.

The FCC says that these rule changes will enable contemporary high speed message forwarding systems to operate as their designers intended, while retaining the minimum safeguards necessary to prevent misuse. The action to amend the rules took place on March 30th by Report and Order. No effective date for the new rules to take effect has yet been announced.

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BAXTER TARGET OF PHONY PACKET

The new rules concerning automatic message forwarding are already being tested by another of those phantom hams who seem to exist only as a derogatory packet radio posting. Almost as the FCC was issuing its notice easing the rules dealing with automatic message forwarding a phony message targeting International Amateur Radio Net manager Glenn Baxter, K1MAN appeared on a suburban Chicago packet bulletin board. The message originated in Winnetka, Illinois and indicated that the Drug Enforcement Agency or DEA was monitoring various ham radio communications including bulletins issued by Baxter and his IARN service.

The All United States posting was signed with the name Hal and the call sign WA9PVJ. Newsline checked the latest Sam Call Sign database. Guess what. There is no such person as Hal or call sign WA9PVJ listed. Nor does WA9PVJ appear in our latest printed callbook directory.

This would seem to be another case of a packet radio SySop being victimized by a person hiding behind the anonymity of a keyboard and radio while putting the ham license of the SySop in jeopardy.

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CAL VE SCAM UPDATE

A second wave of letters from the FCC may soon be on their way to hams thought California telling them that their license upgrade or entry level examination credit is no good. This following the news last week that some seventy California hams have already been notified that examination credits previously earned have been disallowed because the examination sessions themselves are suspect.

Under Section 97.509 of the Amateur Service Rules the FCC has the right to unilaterally invalidate any test session where it felt that the integrity of the test may have been compromised. There is no appeal.

The commission also has the right to direct that candidates at these test sessions appear for retesting on or before a pre-determined date. If a person so ordered fails to take a retest the FCC can cancel the upgraded operator and station licenses of that applicant. In an instance of such a cancellation, the person will be issued a new operator and station license consistent with previously completed test elements that have not been disqualified. If the elements disallowed are for entry level licenses like the Novice or codefree Technician, the applicant will automatically lose all operating privileges and will essentially become a non-ham.

If the FCC holds true to form, the next step in its clean-up of the statewide California VE testing scandal will probably be the issuance of either Notice of Apparent Liability to Monetary Forfeiture, license suspension, Show Cause orders or both against those that the FCC suspects to be the masterminds behind the testing fraud. And because of the number of licenses alleged to have been issued under the various schemes there is a better than even chance that the FCC will approach the Department of Justice seeking criminal complaints as well.

True, a good part of this is supposition on our part but it comes from years of watching the FCC and the way in which the government reacts in situations like this. It's also widely held that the All-Volunteer testing program is a kind of sacred cow to the staff at 1919 M Street in Washington, DC. Those who violate its sanctity are shown little leniency by the FCC.

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TRIAL UPDATE

This is an update to last week's report on a decision by an Orange County Superior Court that it had the jurisdiction to hear a civil case involving amateur radio. As a part of the evidence accepted in making his decision to hear a petition for a restraining order by the Claremont Amateur Radio Club against Anthony Cardenas, WA6IGJ and Drew Feldman, N3KSO, Judge Robert Hutson held in part that this authority was delegated to him by the FCC part 97 rules themselves.

We have since learned that the rule in question was Section 97.113 subpart d. Apparently Judge Hutson and everyone else involved in the case believed that the regulation stated in part that no station shall transmit music, radio communications, or messages for any purpose, or in connection with any activity that is contrary to federal, state or local law. That wording would seem to give the state some small amount of jurisdiction in matters of content of ham radio communications to local governments. Judge Hutson cited it to deny a motion by Cardenas and Feldman to change the venue of the case into a federal court.

But what slipped by everyone including the judge, the attorneys, the plaintiffs, the defendants, the media and even the ham radio public was one fact. The fact that this is no longer the wording of section 97.113 subpart D. At the request of the American Radio Relay League and others, Section 97.113 D was changed late last year.

Remember all the hoopla surrounding the so-called Pizza Ordering rule? The rule that prevented hams from doing any kind of business over the air. That too is a part of section 97.113 of the rules. And when the restrictions business communications were changed it was also decided to delete any reference that might give state or local governments any jurisdiction over ham radio. The only person who noticed the error by the court was W5YI Report publisher Fred Maia.

"That was changed a year ago, almost a year ago. Actually the rulemaking started in 1992 when the FCC decided that perhaps that might be misinterpreted and they clarified it by changing communications which might be contrary to Federal, State and local law. They changed that to communications which might facilitate a criminal act." Fred Maia, W5YI.

Fred picked up on the courts mistake easily because he is involved with the part 97 rules on a day to day basis. In addition to his newsletter, Fred also runs the W5YI Volunteer Examination Coordinator, the nations second largest VEC operation.

The question now is what will happen next. Will the restraining order against Cardenas and Feldman be automatically vacated. We consulted with our own legal correspondent Joe Merdler, N6AHU. Joe is now retired from active practice but still keeps his ear to the law. He says that in all probability, unless there is an appeal by the defendants, that under California civil law the judgment will stand as it is.

So it would appear that the next move is up to Feldman and Cardenas. Newsline has attempted to contact both parties but has yet to hear from either one. As reported last week Feldman has been quoted publicly on a local repeater as saying that he intends to appeal the judgment. Whether either man will do so is at this time unknown.

Meantime, if your copy of the Amateur Radio Rules and Regulations is dated 1993 or earlier, we might suggest you getting a new copy. Especially if you have to use it to defend yourself in a court of law.

More on this story as it develops.

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BLEVIN ASSUMED POSITION OF CHIEF OF THE ENFORCEMENT DIVISION

Still on the regulatory front, word that Lauren "Pete" Belvin has assumed the position of Chief of the Enforcement Division of the FCC. Blevin replaces Mary Beth Richards who has accepted a position on the staff of FCC Chairman Reed Hunt.

Blevin is described as a skilled government investigator with good knowledge of the problems facing all private radio services, including those of Amateur Radio.

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STS-59 SAREX MISSION UNDERWAY

On Saturday April 9th, the Space Shuttle Endeavour rose into the early morning skies of the Kennedy Space Center signaling the beginning of yet another manned Amateur Radio mission in space. This one known as shuttle flight STS-59. The spectacular, on-time launch occurred precisely at 7:05 Eastern Daylight Time. SAREX, The Shuttle Amateur Radio Experiment was activated approximately 3 hours after liftoff with a check pass while over San Diego, California.

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AA8FQ SUCCESS RUN

Now a follow-up to our Los Angeles Marathon story of a few weeks ago about runner Fred Doob, AA8FQ. We are pleased to tell you that Fred raised more than \$2000 for the Childrens Cancer Research Fund while running the twenty-six mile event. AA8FQ made more than 400 contacts on 144 and 440 MHz using an Icom dual band hand-held transceiver. Icom donated five dollars to the research fund for each contact made.

Doob, 47, topped his run last November in the New York City Marathon by 100 contacts and bettered his time by 15 minutes. He says that he averages about 3.5 hours in a marathon without radio but the same run takes about 5 hours when he operates.

The race was televised in Los Angeles by Chris-Craft station KCOP television channel 13. KCOP news also did a profile of AA8FQ's run for charity the evening of the marathon that included tape of him, at the finish line, and inside the Amateur Radio communications tent that's used to run several nets in support of the annual event.

AA8FQ's on-air operation was coordinated by the Baldwin Hills Amateur Radio Club and organized by its President Ed Walker, WA6MDJ. Fred's principal net control was Keith Glispie, WA6TFD. Glispie will be on hand at the 1994 Dayton Hamvention Media forum on Sunday May 1st to tell about the association of his radio club with Doob and the marathon race.

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DX OPERATION TO MALTA ON ICE

In DX, word that the 1A0KM, Sovereign Military Order of Malta operation is on ice. "The DX Bulletin" reports that the operation has been postponed indefinitely due to restrictions imposed by the enclave's managers. This is more bad news for this DXCC country which is ranked 20th on the "Most Wanted List" of DX countries.

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NOSE OBIT

We are sad to report that famed DXer and humanitarian Katashi Nose, KH6IJ is dead. Nose, age 79, passed away April 7th in Honolulu, Hawaii following the second in a series of debilitating strokes.

First licensed sixty-one years ago as K6CGK, Nose was a graduate of the University of Hawaii and spent much of his adult life as an educator. On Kauai, KH6IJ enjoyed a superb DX location and access to an antenna test range that he used to develop his own beam type antennas. His design was so successful that it was carried in the ARRL Antenna Handbook for years.

But there was another side to KH6IJ. That of a kind and loving human being. One of those who knew him best is the former editor of QST magazine's YL column, Ellen White, W1YL.

"We first met in Hawaii when my husband Bob W1CW and I worked in broadcasting and we kept in contact over the years. For many years Bob and I worked for the ARRL and in our professional contact we always were in touch with Nose and we got to know him and his family on a very personal level.

When he studied at Harvard he also considered enrolling his daughter Frances at the College of Boston. His daughter Frances became like a member of our family and every school holiday she came to visit us. This gave a very warm and close relationship with the whole Nose family." Ellen White, W1YL.

Others we spoke to including Westlink Radio Network co-founder Bill Orenstein, KH6QJ agree that the passing of Katashi Nose, KH6IJ, leaves a gap that can not ever be filled.

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That is all for this week, that's all from the Amateur Radio Newsline. You can write to us at Post Office Box 463, Pasadena, CA 91102.

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